

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RENEE FINNERTY,

Plaintiff,

CIVIL CASE NO. 04-40247

v.

WIRELESS RETAIL, INC.,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.

_____/

TEMPORARY RESTRAINING ORDER

This matter has come before the Court on Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction Restraining Defendant from Liquidating Assets, filed on February 10, 2006 and made with notice to the Defendant. Being fully advised of the premises and having been shown that Plaintiff will suffer the irreparable injury of being denied the possibility of recovery if Defendant is allowed to liquidate its assets prior to the disposition of this matter, the Court **HEREBY ORDERS** that Defendant is restrained and enjoined from liquidating assets, including but not limited to accepting payment for the sale of its business, inventory, equipment, real property, leasehold interests, good will, customer lists or goods, without reserving sufficient funds to meet its obligations in this matter in the event of a verdict favorable to Plaintiff, including Plaintiff's damages, double the amount of Plaintiff's damages (as provided under the FMLA), attorneys' fees and costs. *See USACO Coal Co. v. Carbomin Energy, Inc.*, 689 F.2d 94 (6th Cir. 1982); *Reebok Int'l v. Marnatech Enters.*, 970 F.2d 552 (9th Cir. 1992). *See also* M.C.L. §§ 600.3605, 600.3635, and 450.1855a; Tex. Rev. Civ. Stat. Ann. § 1302-6.04.

IT IS FURTHER ORDERED that this order shall become effective upon the posting of a \$10,000.00 bond by Plaintiff and shall expire after ten days in accordance with Fed. R. Civ. P. 6(a).

IT IS FURTHER ORDERED that Defendant shall respond to Plaintiff's motion for a preliminary injunction by February 20, 2006 and Plaintiff may reply by February 23, 2006.

SO ORDERED.

Dated: February 14, 2006 at 4:45 p.m.

s/Paul V. Gadola

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on February 14, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Darcie R. Brault; Mark G. Cooper; Michael F. Jacobson; Aaron L. Warren, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager
(810) 341-7845